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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/804,285

03/19/2004

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EXAMINER

SABOURI, MAZDA

ART UNIT

PAPER NUMBER

2617

MAIL DATE

DELIVERY MODE

01/09/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/804,285	Applicant(s) PECEN ET AL.	
	Examiner Mazda Sabouri	Art Unit 2617	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 11 December 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1,3-12,15-25,27-31 and 33-41.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: see below.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____


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1. Applicant's arguments filed on 12/11/2006 have been fully considered but they are not persuasive. Examiner believes that the rejection of cancelled claims 2,13 and 32 (addressed in the office action mailed on 5/5/2006 with respect to claims filed on 3/19/2004) addresses the new limitations amended to independent claims 1,5,21,31,35 and 38 (filed on 8/5/2006 and 12/11/2006 respectfully). Examiner further believes that the prior rejection of cancelled claims 2,13 and 32 were proper for the following reasons:

Applicant argues that Haarston and Kallio do not disclose sending a transfer request to a WLAN requesting transfer from a cellular network to a WLAN. Examiner respectfully traverses this argument. Haarston teaches a mobile terminal sending a handover request to the second network requesting handover from a first network to a second network. The deficiency of Haarston is that Haarston teaches handing over the mobile terminal from a WLAN to a cellular network. Kallio teaches handing over the mobile terminal from a cellular network to a WLAN. As noted earlier, Haarston teaches a mobile terminal sending a handover request to a second network requesting handover from a first network to a second network. When applying Kallio's teaching (handover to a WLAN from a cellular network) to Haarston, it is inherent that the request would be sent to the WLAN requesting transfer from a cellular network to a WLAN.

Applicant further argues that there is no motivation to combine Haarston and Kallio. Examiner respectfully traverses this argument as well. Examiner believes that the motivation given in the first office action (mailed on 5/5/2006, and reiterated in the office action mailed on 10/11/2006) is more than sufficient. To reiterate, Kallio teaches that sometimes a WLAN might provide better service than a cellular network in a given area. It is the examiner's belief that this teaching would motivate one of ordinary skill in the arts at the time the invention was made to modify Haarston so that the mobile terminal would be handed over from a cellular network to a WLAN. Applicant further argues that Kallio's teachings teach away from Haarston, and would therefor not be an obvious candidate for combining with Haarston. Examiner respectfully traverses this argument. Examiner believes that Kallio qualifies as analogous art to Haarston. Both references teach handoffs between uncoordinated networks using different modes of communication. Furthermore, in both references, the mobile terminal initiates handoff. While there may be some differences between the two references (such as the direction of the handover), these differences are not sufficient enough to disqualify the two references as analogous art subject to a U.S.C 103 type combination.

As such, the rejection of claims 1,3-12,15-25,27-31 and 33-41 stand, for the reason mentioned above.